Office-Supreme Court, U.S. F 1 L E D

JUN 25 1984

ALEXANDER L STEVAS, CLERK

IN THE

Supreme Court of the United States

October Term, 1983

E. R. SQUIBB & SONS, INC., Petitioner,

VS.

GAIL ABEL, et al., Respondent.

SUPPORT FOR THE POSITION
OF THE PETITIONER FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF MICHIGAN

JOHNSON, CAMPBELL & MOESTA, P.C. By: REGINALD S. JOHNSON P15543
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Now comes Central Pharmacal Company, a Respondent in the above entitled cause and in accordance with United States Supreme Court Rule 19.6 hereby supports the position of E. R. Squibb & Sons, Inc., Petitioner,

as to the constitutional arguments involving the Fourteenth Amendment to the Constitution of the United States, the Statement of Facts, and the Legal Argument thereon.

Respectfully submitted,

JOHNSON, CAMPBELL & MOESTA, P.C.

By: /s/ REGINALD S. JOHNSON P15543

Attorney for Respondent,

Central Pharmacal Company

912 Buhl Building

Detroit, Michigan 48226

(313) 965-4054

Dated: June 22, 1984

PROOF OF SERVICE

STATE OF MICHIGAN COUNTY OF WAYNE — ss.

HEIDI E. FRODIEN, being first duly sworn, deposes and says that on the 22nd day of June, 1984 she personally mailed forty copies of Support for the Position of the Petitioner for Writ of Certiorari to the Supreme Court of Michigan and Appearance upon Alexander L. Stevas, Esq., Clerk of the Court, Supreme Court of the United States, Washington, D.C. 20543 by certified mail, return receipt requested, and that she mailed three copies by first class U.S. Mail upon:

Lawrence S. Charfoos, Esq., Charles L. Nichols, Esq., Charfoos, Christensen, Gilbert & Archer, 4000 Penobscot Building, Detroit, MI 48226, Attorneys for Plaintiffs;

Lane D. Bauer, Esq., Shook, Hardy & Bacon, 20th Floor, Mercantile Bank Tower, 1101 Walnut, Kansas City, MO 64106, Attorney for Eli Lilly Co.;

- Hugh Moore, Esq., Lord, Bissell & Brook, 115 South LaSalle Street, Chicago, IL 60603, Attorney for Abbott Lab.;
- Stephen Hitchcock, Esq., Dennis H. Nystrom, Esq., Jenkins, Nystrom & Sterlacci, 15999 W. Twelve Mile Road, Southfield, MI 48076, Attorneys for Burroughs;
- David M. Tyler, Esq., Tyler & Canham, P.C., 400 Renaissance Center, Suite 1010, Detroit, MI 48243, Attorney for Cole Pharm.;
- Wallson G. Knack, Esq., Warner, Norcross & Judd, 900 Old Kent Building, Grand Rapids, MI 49503;
- Perry J. Seavitt, Esq., Thomas W. Emery, Esq., Seavitt, Westcott, Stowe, Magnuson & Beeby, 2217 First National Building, Detroit, MI 48226, Attorneys for Merck, Sharpe & Dohme;
- James Feeney, Esq., Judy O'Neille, Esq., Dykema, Gossett, Spencer, Goodnow & Trigg, 35th Floor, 400 Renaissance Center, Detroit, MI 48243, Attorneys for White/Shering;
- Grant J. Gruel, Esq., Cholette, Perkins & Buchanan, 600 Old Kent Bldg., Grand Rapids, MI 49503, Attorney for Upjohn;
- John C. Frakes, Esq., Schureman, Frakes, Glass & Wulfmeier, 400 Renaissance Center, Suite 1800, Detroit, MI 48243, Attorney for Abbot Lab.;
- Edmund M. Brady, Jr., Esq., Vandeveer, Garzia, Tonkin, Kerr & Heaphy, 333 W. Fort St., Suite 1600, Detroit, MI 48226, Attorney for Blue Line Chem Co. and Rorer, Inc.;
- Lawrence J. Acker, Esq., MacArthur & Cheatham, 585 E. Larned, Detroit, MI 48226, Attorney for Kremers-Urban;

- James N. Martin, Esq., Martin, Bacon & Martin, 14 First Street, Mt. Clemens, MI 48043, Attorney for McNeil Lab.;
- Albert A. Miller, Esq., Garan, Lucow, Miller, Seward, Cooper & Becker, 561 E. Jefferson Ave., Detroit, MI 48226, Attorney for Rexall;
- Richard Boothman, Esq., Dice, Sweeney, Sullivan & Feikens, 1200 Buhl Building, Detroit, MI 48226, Attorney for Tutag;
- Dennis E. Zacharski, Esq., Lacey & Jones, 2300 Detroit Bank & Trust Bldg., Detroit, MI 48226, Attorney for Vale Chemical;
- Hayim I. Gross, Esq., Hayim I. Gross, P.C., 280 Daines Street, Birmingham, MI 48009, Appellate Counsel for Plaintiffs;
- John E. S. Scott, Esq., Dickinson, Wright, McKean, Cudlip & Moon, 800 First National Bank Building, Detroit, MI 48226, Attorneys for Eli Lilly Co.;
- John P. Jacobs, Esq., Plunkett, Cooney, Rutt, Watters, Stanczyk & Pedersen, P.C., 900 Marquette Building, Detroit, MI 48226, Attorneys for E. R. Squibb & Sons, Inc., Petitioner.

/s/ HEIDI E. FRODIEN

Subscribed and sworn to before me this 22nd day of June, 1984.

/s/ PATSY A. MARCHEL Notary Public, Wayne County, Michigan My commission expires: 12/16/86